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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,483	07/30/2003	Yoshiaki Kurioka	1232-5087	9679
27123	7590	07/14/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SEVER, ANDREW T	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

10/630,483

Applicant(s)

KURIOKA ET AL.

Examiner

Andrew T. Sever

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005 and 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>7/8/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 4/13/2005 has been entered.

Claim Objections

2. Claims 1-17 are objected to because of the following informalities: numerous grammatical and formality errors which will be individually addressed below. Appropriate correction is required.

a. Claim 1 does not include the units that the focal length is measured in. Based on applicant's specification it is assumed that they are in millimeters (mm).

b. Claim 2 claims "the intermediate image", however there is no longer antecedent basis for "the intermediate image" in claim 1 which claim 2 is dependent on, as that language has been deleted from the claim in the current amendment. Applicant should either amend claim 2 to read "an intermediate image" or add a limitation re-introducing an intermediate image limitation to claim 1.

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- c. Claims 3, 4, and 7-9 claim "at least one of optical surfaces", claims 2 and 1 lack antecedent basis for any optical surfaces, it is clear that applicant should claim "at least one of the reflective surfaces of the reflective optical system" or a variant thereof.
- d. Claims 3 and 7 further claim a variation where only one optical surface must be disposed in two different positions. The at least one should be eliminated or modified to reflect the requirement that at least two optical surfaces are required with at least one disposed before the intermediate image and at least another one disposed after the intermediate image.
- e. All other claims are objected to due to their dependency on objected to claims.
- f. Applicant should review all claims to insure proper grammar, antecedent basis, and in general compliance with 35 U.S.C. § 112 second paragraph. Applicant should review any amendments to insure that no new matter is presented. Any new matter will be rejected under 35 U. S. C. § 112 first paragraph and made final. Also any amendments that make claims readable on prior art will be finally rejected under either under 35 U.S.C. § 102 or 35 U.S.C. § 103 as appropriate. All above suggestions in parts a-e, above are subject to further search and/or consideration by the office upon implementation by the applicant.

Allowable Subject Matter

3. Claims 1-17 would be allowable if rewritten to overcome the objections above, set forth in this Office action above in paragraph 2.

4. The following is a statement of reasons for the indication of allowable subject matter: See the reasons for allowance in the office action mailed on 6/28/2004. Further the additional limitation of $57.05 \text{ mm} < f_a < 98.85 \text{ mm}$ reads over the JP 2001-215412 Japanese patent publication as provided by the applicant.

Conclusion

5. This application is in condition for allowance except for the following formal matters:

See the above objection to the claims in paragraph 2.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS



Alan A. Mathews
Primary Examiner